NE/S Reisterstown Rd., 121.5'+/-NW of Pleasant Hill Road (11005 - 110011 Reisterstown Rd. 4th Election District 3rd Councilmanic District

Petitioners

PETITION FOR ZONING VARIANCE BEFORE THE * DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 89-351-A Pleasant Hill I-IV Ltd. Part.

FINDINGS OF FACT AND CONCLUSIONS OF LAW The Petitioners herein request a variance to permit a front yard setback 8 feet in lieu of the required 35 feet for a proposed three-story office building in accordance with Petitioner's Exhibit 1.

The Petitioners, by Timothy R. F ... Principal with Zink Properties, Inc., General Partner, appeared, testified and was represented by Richard A. Reid, Esquire. Also appearing on behalf of the Petition was Timothy Madden, Certified Planner and Registered Landscape Architect with Kidde Consultants, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 11005 through 110011 Reisterstown Road, consists of 4.63 acres more or less zoned 0-2. Testimony indicated that in July, 1988 Petitioner filed a Petition for Special Exception to construct a Class B office building on the site which at that time was zoned R.O. Said Petition was assigned Case No. 89-134-X. Testimony indicated that the plans presented in the instant Petition are one and the same as those submitted in Case No. 89-134-X. Mr. Hearn testified that the design and location of the proposed office building, which have necessitated the variance requested herein, were specifically determined by taking into consideration the concerns and requests of the adjoining property owners on both side and County Review Group comments. The location of the subject building, which is 8 feet

from the street right-of-way, was determined so that parking for the subject project would be to the rear of the building and the front of the building would be in keeping with the average setback of other buildings in the vicinity along Reisterstown Road. Petitioners noted that under the previous zoning classification of R.O., the project met the setback requirements of the zoning regulations. Subsequent to the development plan being approved by C.R.G. and adjoining property owners, the County Council adopted new zoning maps as part of the comprehensive rezoning process wherein the subject property 3 reclassified 0-2. Therefore, the special exception previously applied for in Case No. 89-134-X for a Class B office building was no longer necessary; however, the proposed improvements required a variance from front yard setback requirements as the requirements for a Class B office building in an 0-2 zone are 35 feet.

Mr. Madden testified in detail as to the benefit to the community the proposed location will provide in lieu of strict compliance with the 0-2 setback requirements. While the office building proposed consists of three stories, the lay of the land and design of the building gives it the appearance of being a two-story office building from the front of SReisterstown Road. Mr. Madden further testified as to the preference of the proposed location due to the grading of the site. Testimony indicated that the design as proposed by Petitioner ates a more aesthetically pleasing appearance from Reisterstown Road by the screening of the Parking area to the rear.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of March 1989 that the Petition for Zoning Variance to permit a front yard setback 8 feet in lieu of the required 35 feet for a proposed three-story office building in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief grant-

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be respon

sible for returning, said property to its original

2) Petitioners shall comply with all of the requirements as set forth in the Zoning Plans Advisory Committee comments submitted hereto, including, but not limited to, Bureau of Water Quality and Resource Management and State Highway Administration comments, attached hereto and made a part hereof.

3) Prior to the issuance of any building permits, Petitioners shall submit for approval by the Baltimore County Landscape Planner a landscape plan which complies with the Baltimore County Landscaping Manual and at a minimum provides the screening set forth in Petitioner's Exhibit 1. A copy of the approved landscape plan shall be submitted to the Zoning Commissioner's Office for inclusion in the case file.

4) Trash areas shall be appropriately screened with fencing and landscaping.

> I M Nastrain ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

AMN:bis

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

of the Zoning Regulations of Ballimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To permit a setback from the street line of 8 feet instead of the required 35 feet because of undue hardship and practical difficulty for the reasons set forth in the attached Memorandum.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we #48,/00 are the legal owner(s) of the property 649,830 which is the subject of this Petition. Legal Owner(s): Pleasant Hill I - IV Contract Purchaser: Limited Partnerships, Zink Properties Incorporated General Partner (Type or Print Name (Type or Print Name) By: Thomas F. Zink, Jr., President City and State 1

Attorney for Petitioner: Richard A. Reid, Esq. 22 W. Allegheny Ave. (301) 296-1200 Towson, Maryland 21204 2-W. Pennsylvania Avenue

Attorney's Telephone No.: (301) 823-1800 22 W. Allegheny Ave. (301) 296-1200

Towson, Maryland 21204

322

DESCRIPTION Portion of Properties Known As 11005, 11007, 11009 & 11011 Reisterstown Road Election District 4 Baltimore County, Maryland

The description is for a yard variance for a Class "B" Office Building in an "0-2" Zone.

BEGINNING for the same on the northeast side of Reisterstown Road, said point of beginning being N 43°06'21"W 121.5'+ from the point of intersection of the northwest right of way line of Pleasant Hill Road with the northeast right of way line of Reisterstown Road, thence binding on the said northeast side of Reisterstown Road (1) N 43°06'21" W 369.21', thence leaving the said northeast side of Reisterstown Road (2) N 47 39'07 B 222.00'+ to a point, thence in a southeasterly direction and parallel to the said center line of Reisterstown Road (3) S 43°06'21" E 354.73'+ to intersect the southeast property lien of the tract; thence binding on said line S 43°54'58" W 222.28'+ to the place of beginning.

BEING a portion of 11005, 11007, 11009 & 11011 Reisterstown Road and containing 1.8446 acres of land, more or less 80,349 square feet, more or less.



RAR/plm ' 01-25-89

NE/S Reisterstown Road, 121.5+ RE: PETITION FOR ZONING VARIANCE 4th Election District

3rd Councilmatic District BALTIMORE COUNTY Thomas F. Zink, Jr., President * CASE NO.

MEMORANDUM IN SUPPORT OF PETITION FOR ONING VARIANCE

On July 21, 1988, Petitioner filed an application for a special exception to construct a Class B Office Building in an RO zone located at 11005 - 11011 Reisterstown Road in Owings Mills, Case No. 89-134-X. The plans for the Class B Office Building were given CRG approval on August 11, 1988. The plans for the office building were also reviewed by the Zoning Plans Advisory Committee and its comments were transmitted to the Petitioner by letter dated October 3, 1988 signed by James H. Dyer, Chairman of that Committee. Consequently, the location of the building on the site was given at least tacit approval by the County Review Group and the Zoning Plans Advisory Committee.

Since such review, however, the County Council has adopted a new map as part of the Comprehensive Rezoning Process which zones the subject property 0-2. Such zoning removes the need for a special exception to construct a Class B Office Building on the site but imposes a front-yard setback of 35 feet which was not required in the RO zone.

Accordingly, to build the building on the site in the location reviewed and approved by the County REview Group and

the Zoning Advisory Committee, Petitioner now needs a variance to the front-yard setback requirement to permit a front yard of 8 feet in lieu of the required 35 feet. A request for such a variance is submitted herewith.

It is requested that all material previously submitted in

connection with Case No. 89-134-X and the Revision thereto With the Control of t (requesting a zoning variance) be considered in connection with this application. TEST CONTROL OF THE STATE OF TH

Respectfully submitted,

Suite 600 102 W. Pennsylvania Avenue Towson, Maryland 21204-4575 (301) 823-1800

Attorney for Petitioner

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 25 day of day of len.

1989, a copy of the foregoing Memorandum in Support of Revision to Application for Special Exception was hand delivered to Phyllis Cole Friedman, People's Counsel for Baltimore County, Peter Max Zimmerman, Deputy People's Counsel, Room 304, County Office Building, Towson, Maryland 21204.

Office of Planning & Zoning Towson, Marviand 21204 (301) 887-3353

March 13, 1989

Richard A. Reid, Esquire 102 W. Pennsylvania Avenue Towson, Maryland 21204

Case No. 89-351-A

RE: PETITION FOR ZONING VARIANCE NE/S Reisterstown Road, 121.5'+/- NW of Pleasant Hill Road (11005 through 110011 Reisterstown Road) 4th Election District - 3rd Councilmanic, .strict

Pleasant Hill I-IV Ltd. Part. - Petitione.

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

a NA Nationia ANN M. NASTAROWICZ

Very truly yours,

Deputy Zoning Commissioner

for Baltimore County

AMN:bjs cc: Mr. Timothy Madden Kidde Consultants. Inc.

1020 Cromwell Bridge Road, Towson, Md. 21204

People's Counsel

NOTE TO ACCOMPANY SITE PLANS FOR COMMENTS ON ITEM #322

Site plan for a petition for yard variance for Pleasant Hill Professional Center.

This plan has been previously processed through the Zoning Advisory Committee for a Special Exception. Due to changes in zoning classification, the Special Exception is no longer required; however, a variance for front yard setback will be required. Since the plan has already been processed and the variance is unlikely to create any difficulties with your department, the petition is being scheduled.

CERTIFICATE OF PUBLICATION · INTREA OF HEATING The Zosing Commissioner of Balance County, by authority of the Zoning Act and Regulations of Bullenore County will hold a public hearing on the property identified haven in-Room 108 of the County Ollice Building, located at 111 W. Chesspeake Avenue in Toreson, Meryland 21204 TOWSON, MD. Jelsus 1-7 19.69
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Road

th Election District

Srd Councilments

Postmoner(s):

Pleasant Hill J-IV Limited

Partnership

Pleasing Date: Friday,

March 3, 1960 at 200 p.m. THE JEFFERSONIAN, Variance: to permit a setback from the street line of 8 feet instead of the required 35 feet because of undue hardship and practical difficulty.

In the event that this Petition is granted, a building permit may be iguard within the thirty (30) depressed serior. The Zoning Comsizete olim issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, ertertain any request for a stay of ... the susence of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. PO 09753 and the same J. ROBERT HAIN

CERTIFICATE OF POSTIMO

Petitle ser: Pleasant Hill I - IN Limited Pertourship Location of property. N. E. sink of Ristartium Rosel 12 1. a. t.

N. W. of Pleasant Total Rosal

Location of Signe: N. E. Sink of Mintinstrum Want in front

of suffect foroperty

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

Date: 2/27/89

Dennis F. Rasmussen

Pleasant Hill, I - IV Limited Partnership 22 W. Allegheny Avenue Towson, Maryland 21204

ATTN: THOMAS F. ZINK, JR., President

Petition for Zoning Variance CASE NUMBER: 89-351-A NES Reisterstown Rd., 121.5'± NW Pleasant Hill Road 4th Election District - 3rd Councilmanic Petitioner(s): Pleasant Hill I-IV Limited Partnership HEARING SCHEDULED: FRIDAY, MARCH 3, 1989 at 2:00 p.m.

Please be advised that 109.30 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do <u>not</u> remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office it along with the sign(s) and post(s) to the Zoning Office, minutes before

BALTIMORE COUNTY, MARYLAND post set(s), there OFFICE OF FINANCE - REVENUE DIVISION each set not MISCELLANEOUS CASH RECEIPT 1-01-615-000 0 F 8 1140.00.10550^a 5C32F

Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

J. Robert Haines

February 3, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-351-A NES Reisterstown Rd., 121.5'± NW Pleasant Hill Road 4th Election District - 3rd Councilmanic Petitioner(s): Pleasant Hill I-IV Limited Partnership HEARING SCHEDULED: FRIDAY, MARCH 3, 1989 at 2:00 p.m.

Variance to permit a setback from the street line of 8 feet instead of the required 35 feet because of undue hardship and practical difficulty.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Zoning Commissioner of Baltimore County

ROYSTON, MUELLER, MCLEAN & REID ATTORNEYS AT LAW

R.TAYLOR McLEAN RICHARD A. REID E. HARRISON STONE MILTON R. SMITH, JR. C. S. KLINGELHOFER II THOMAS F. McDONOUCH LAWRENCE F. HAISLIP LAUREL P. EVANS KEITH R. TRUFFER ROBERT S. HANDZO

(301) 823-1800 TELECOPIER FAX (301) 828-7859

102 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204-4575

January 27, 1989

322

OF COUNSEL

CARROLL W. ROYSTON

H. ANTHONY MUELLER

VIA HAND DELIVERY

EDWARD J. GILLISS

C. LARRY HOFMEISTER, JR.

Mr. John L. Lewis Planning & Zoning Associate III Office of Planning and Zoning Room 406 - County Courthouse 401 Bosley Avenue Towson, Maryland 21204

RE: NE Side of Reisterstown Road, 121.5' N of Pleasant Hill Road, Fourth Election District Pleasant Hill Professional Center

Dear Mr. Lewis:

In accordance with our telephone conversation of this date, I enclose herewith three copies of the description in the above-entitled matter and our check in the amount of \$100.00 made payable to Baltimore County, Maryland.

Again, thank you for your assistance and cooperation in this matter.

Very truly yours, Richard A. Reid

RAR/plm Enclosure ROYSTON, MUELLER, MCLEAN & REID ATTORNEYS AT LAW

SUITE 600

102 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204-4575

(301) 823-1800

TELECOPIER FAX (301) 828-7859

MILTON R. SMITH, IR. C. S. KLINGELHOFER III THOMAS F. McDONOUCH LAWRENCE F. HAISLIP LAUREL P. EVANS KEITH R. TRUFFER ROBERT S. HANDZO EDWARD J. GILLISS C. LARRY HOFMEISTER, JR. RICHARD J. O'CONNOR

R.TAYLOR McLEAN

RICHARD A. REID

E. HARRISON STONE

January 25, 1989

CARROLL W. ROYSTON

JOHN L. ASKEW

Mr. John L. Lewis, Planning & Zoning Assoc. III Office of Planning and Zoning Towson, Maryland 21204

Re: Case #89-134-X, Item #27 NE side Reisterstown Road, 121.5' N Pleasant Hill Road 4th Election District Pleasant Hill Professional Center

Dear Mr. Lewis:

Hand Delivered

In accordance with the matters discussed at our meeting on January 19, which was also attended by Mr. Kellman and for a time, Mr. Dyer, I enclose herewith 10 copies of revised elevation drawings showing the height of the proposed building from the drawings snowing the height of the proposed building from the closest point at its exterior grade to be 34 feet. The measurement is made in accordance with the requirements of Section 101, Baltimore County Zoning Regulations (1987 Edition), as amended by Bill 151-88. A copy of that section is enclosed. Accordingly, the building remains a Class B Office Building as set forth in the Petition, and we have now responded to all the comments set forth in your letter of January 5, 1989.

I am also enclosing 3 copies of an amended "Petition for Zoning Variance" and Memorandum in support thereof. This is being submitted in accordance with Mr. Dyer's request so that Case No. 89-134-X may be closed and a new number be given to this matter. This submission is based upon the assurance that a review of matters previously submitted will not be required and that it will not delay a hearing on this matter. As previous correspondence

ROYSTON MUELLER, MCLEAN & REID

Mr. John L. Lewis, Planning & Zoning Assoc. III January 25, 1989

will indicate, my client is most anxious to have this matter assigned for hearing at the earliest possible date.

Very truly yours,

Richard A. Reid

Enclosures #0316M

RAR/mep

cc James Dyer, Zoning Supervisor Phyllis Cole Friedman, People's Counsel for Baltimore County Peter Max Zimmerman, Deputy People's Counsel

322

ITEM 322 Pirot, and most importantly, you must understand that the hearing you neve requestes is a quasi-judicial hearing and you are responsible for meeting the burden of law required by the quasi-judicial hearing and process, and there-sultimore County Zoning Regulations. A judicial hearing is an adversary process, and there-sultimore County Zoning Regulations. During a judicial hearing, the perties will be fore, there may be opposition to your request. During a judicial hearing, the perties will be forested and cross-examine witnesses. Either the Zoning Counting permitted to testify, present evidence and cross-examine witnesses. Either the Zoning Counting permitted to testify, present evidence and cross-examine witnesses. Either the Zoning Counting along the determine along the testing to determine whether up not the variance will be greated. of your choice. Too and the representation. IF INCORPORATED AN ATTURNEY IS LES UIRED Third: It is strongly recommended that you read and understand the requirements of Section 307 of the Baltimore County Zoning Regulations, provided below. No employee of the Bultimore County Zoning Office may provide legal advice to rouring no employee of the settlemer county suning derice may provide legal advice to anyone. The representations and opinions of any employee are not to be construed as definitive of any case. Only the decision of the Zoning Commissioner and Deputy Zoning Commissioner is dispositive of any matter after the statutory required public hearing. Section 307 empowers the Zoning Commissioner to great veriances from height and Brea regulations when strict compliance would result in practical difficulty or unreasonable hardship lations when strict compliance would result in practical difficulty or unreasonable hardship lations and then only in but only if in strict hermony with the apirit and intent of the lations and then only in such a manner as to great relief without substantial injury to the public health, safety, and such a manner as to great relief without substantial injury to the public health. The Court of Special Appeals in Anderson v. Board of Appeals. Town of Chesapeake Beach, "To prove undue hardship for a use variance the following three criteria (1) APPLICANT MUST BE UNABLE TO SECURE & REASONABLE RETURN OR MAKE ANT REASONABLE USE OF HIS PROPERTY (MERE PINANCIAL HARDSHIP OR OPPORTUNITY POR GREATER PROPIT IS NOT ENOUGH). (2) THE DIPPICULTIES OR HARDSHIP IS PECULIAR TO THE SUBJECT PROPERTY CONTRAST WITH OTHER PROPERTIES IN THE ZORING DISTRICT. (3) HARDSHIP WAS NOT THE RESULT OF APPLICANT'S OWN ACTIONS. To prove practical difficulty for an area variance the following criteria (1) WHETHER STRICT COMPLIANCE WITH REQUIREMENT WOULD UNREASONABLY PREVENTHE USE OF THE PROPERTY FOR A PERMITTED PURPOSE OR RENDER CONFORMANCE (2) WHETHER THE GRANT WOULD DO SUBSTANTIAL INJUSTICE TO APPLICANT AS WELL
AS OTHER PROPERTY OWNERS IN DISTRICT OR WHETHER A LESSER RELAXATION
THAN THAT APPLIED FOR WOULD GIVE SUBSTANTIAL RELIEF. WHETHER RELIEF CAN BE GRANTED IN SUCH PASHION THAT THE SPIRIT OF THE ORDINANCE WILL BE OBSERVED AND PUBLIC SAFETY AND WELFARE SECURED." Even though there may not be opposition in a given case, your request may be denied. This information is provided by J. Bobert Haines, Zoning Commissioner, as a public service. The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from offstreet parking regulations and from sign regulations, only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise silomable by the Zoning Regulations shall be permitted as a result of any such grant of a silomable by the Zoning Regulations. Purthersore, any such variance shall be granted only variance from height or area regulations. Purthersore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking, or if in strict harmony with the spirit and intent of said height, area, offstreet parking, or sign regulations, and only in such manner as to grant relief without substantial injury to public health, safety, and general welfare. They shall have no power to grant any other

sign regulations, and only in such marmer as to grant relief without substantial injury to public health, safety, and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a putition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.

BALTI MORE COUNTY ZONING PLANS ADVISORY COMMITTEE

RE: Item No. 322, Case No. 89-351-A

Petition for Zoning Variance

The Zoning Plans Advisory Committee has reviewed the plans

submitted with the above referenced petition. The following

comments are not intended to indicate the appropriateness of

the zoning action requested, but to assure that all parties are

made aware of plans or problems with regard to the development

plans that may have a bearing on this case. Director of

Planning may file a written report with the Zoning Commissioner

with recommendations as to the suitability of the requested

Enclosed are all comments submitted from the members of the

Committee at this time that offer or request information on

your petition. If similar comments from the remaining members

are received, I will forward them to you. Otherwise, any

comment that is not informative will be placed in the hearing

file. This petition was accepted for filing on the date of the

enclosed filing certificate and a hearing scheduled

Petitioner: Thomas F. Zink, Jr., et all

Richard A. Reid, Esquire

Towson, MD 21204

Dear Mr. Reid:

zoning.

accordingly.

Enclosures

102 W. Pennsylvania Avenue

CHATTY OFFICE BLDG.

Engineering

[popartment of graffic Engineering

State Roads Commission

Bureat of Fire Prevention

Kealth Department

Project Planning

Suilding Department

Soard of Education Coning Administration February 27, 1989

1-26-1 (150 ed to 89-351, SUITE BOD 02 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204-4575 TELEPHONE: (301) 823-1800 FAX (301) 828-7859 January 25, 1989 Hand Delivered Mr. John L. Lewis, Planning & Zoning Assoc. III Office of Planning and Zoning Towson, Maryland 21204 Re: Case #89-134-x, Item #27 NE side Reisterstown Road, 121.5' N Pleasant Hill Road 4th Election District Pleasant Hill Professional Center Dear Mr. Lewis: In accordance with the matters discussed at our meeting on

January 19, which was also attended by Mr. Kellman and for a time, Mr. Dyer, I enclose herewith 10 copies of revised elevation drawings showing the height of the proposed building from the closest point at its exterior grade to be 34 feet. The measurement is made in accordance with the requirements of Section 101, Baltimore County Zoning Regulations (1987 Edition), as amended by Bill 151-88. A copy of that section is enclosed. Accordingly, the building remains a Class B Office Building as set forth in ...e Petition, and we have now responded to all the comments set forth in your letter of January 5, 1989.

I am also enclosing 3 copies of an amended "Petition for Zoning Variance" and Memorandum in support thereof. This is being submitted in accordance with Mr. Dyer's request so that Case No. 89-134-X may be closed and a new number be given to this matter. This submission is based upon the assurance that a review of matters previously submitted will not be required and that it will not delay a hearing on this matter. As previous correspondence

Maryland Department of Transportation State Highway Administration

Richard H. Trainor Hal Kassoff

Mr. J. Robert Haines Zoning Commissioner FEB 10 1989

Pleasant Hill Professional Center Zoning Meeting 2/14/89 N/S Reisterstown Road MD 14) west of Pleasant Hill Item #322

After reviewing the submittal for a variance to permit a setback from the street line of 8' instead of the required 35' because of undue hardship and practical difficulty, we have the

The plan must be revised to show one 35' entrance with 20' radii onto Reisterstown Road.

date being set.

to serve this site. This traffic study must be reviewed and approved by our

If you have any questions, contact Larry Brocato (333-1350).

Chief Bureau of Engineering

LB/es

cc: Kidde Consultants Inc. Mr. J. Ogle

My telephone number is (301) 333-1350

Others Existing individual service disposal systems must be pumped and either backfilled or removed.

MANAGEMENT

Mr. John L. Lewis, Planning & Zoning Assoc. III

assigned for hearing at the earliest possible date.

will indicate, my client is most anxious to have this matter

Very truly yours,

Richard A. Reid

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL

ROTECTION AND RESOURCE MANAGEMF

Date

Zoning Item 1 322, Zoning Advisory Committee Meeting of February 14 1989 Property Owner: Thomas F. Zink VA :Location: NE side Reisterstown Rd. 121.5 (tor) NW of Pl. A: Il Blistrices 4

Water Supply: metro Sewage Disposali metro
COMMENTS ARE AS FOLLOWS:

() Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted.

Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality

() A permit to construct from the Bureau of Quality Management is required for such items as spray paint.

process which exhausts into the atmosphere.

() A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation

which has a total cooking surface area of five (5) square feet or more.

() Prior to approval of a Building Permit Application for renovations to existing or construction of new

() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse,

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations.

) If lubrication work and oil changes are performed at this location, the method providing for the elimination

at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes.

Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 887-3775.

Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the

contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior

() Soil percolation test results have expired. Petitioner should contact the Division of Water

) is not acceptable and must be retested. This must be accomplished prior to conveyance of property

Prior to occupancy approval, the potability of the water supply must be verified by collection of bacterio-

If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental

Effects Report must be submitted. For more information contact the Division of Environmental Management

In order to subdivide this property, the owner or developer will be required to comply with the subdivision

regulations of the State of Maryland and Baltimore County. If there are any questions regarding the

'() Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management

to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.

() Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore

For more complete information, contact the Division of Maternal and Child Health.

of waste oil must be in accordance with the State Department of the Environment.

and Sewer to determine whether additional tests are required.

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test

() Soil percolation tests, have been , must be ___, conducted.

and approval of Building Permit Applications.

) The results are valid until

County Standards must be drilled.

logical and chemical water samples.

() shall be valid until

to the Plans Review Section, Bureau of Regional Community Services, for final review and approval

Management, 887-3775, to obtain requirements for such installation(s) before work begins.

processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment of

health care facilities, complete plans and specifications of the building, food service area and type

Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for

of equipment to be used for the food service operation must be submitted to the Plans Review and Approval

saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health

and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department

of Environmental Protection and Resource Management for review and and Review

contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.

January 25, 1989

Page 2.

RAR/mep

#0316M

enclosures

Office of Planning and Zoning County Office Building Towson, Maryland 21204

review and approval.

cc James Dyer, Zoning Supervisor

for Paltimore County

Phyllis Cole Friedman, People's Counsel

Peter Max Zimmerman, Deputy People's Counsel

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY 102 W B the 21204 ATY KICHARD A REID FSG Tim Madden KIDDE CONSULTANTS, INC. commell Svite MCD Willeyling France Turson, N. 21204. 89-351-A BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Your petition has been received and accepted for filing this 27th day of January ZONING COMMISSIONER James E. Dyer Petitioner Thomas F. Mink, Jr., et al Received by: Chairman, Zoning Plans Petitioner's Attorney Richard A. Reid. Require Advisory Committee

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke Caid

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204 Re: Property Owner: Thomas F. Zink, for Pleasant Hill I-IV

ZONING UTT

Limited Partnerships, Zink Properties, Inc. Gen. Penns F. Rasmussen Location: | NE side Reisterstown Road, 121.5' (+ or -) County Executive W of Pleasant Hill Road Item No.: 2322 Zoning Agenda: 02/14/89

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

EXCEEDS the maximum allowed by the Fire Department.

() 3. The vehicle dead end condition shown at

() 4. The site shall be made to comply with all applicable parts of the

Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: City Joseph Folia 2-34-54
Planning Group
Special Inspection Division

NOTED & APPROVED: APPROVED: Fire Prevention Bureau

February 13, 1989

Re: Baltimore County

ZONING OFFICE

following comments:

It is requested this revision be made prior to a hearing

Also, a traffic study must be submitted showing trip distribution and storage capacity for a proposed left turn lane

Assistant District Engineer for Traffic prior to issuance of building permits.

Very truly yours,

Access Permits

Telatypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toli Free 707 North Calvert St., Baltimore, Maryland 21203-0717

Zoning Plans Advisory Committee cc: Mr. Thomas F. Zink, Jr. 22 W. Allegheny Avenue Towson, MD 21204

3027d RAR/plm 02-16-89

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

PLEASANT HILL I - IV LIMITED PARTNERSHIPS

CASE NO. 89-351-A

NES Reisterstown Road
* 121.5'+ NW Pleasant Hill Road

4th Election Dil lict

RE: Petition for Variance

AFFIDAVIT OF COMPLIANCE

I, D. Elaine Sauer, hereby c tify under the penalties of perjury that:

- 1. I am a competent person over 18 years of age.
- 2. I am not a party to this extion
- 3. On the 16th day of Februar 198 at approximately 12:14 p.m., I personally served a copy of the attached SUBPOENA DUCES TECUM in the above-entitled matter on a person who identified himself to me as Gary L. Kerns, Chief, Current Planning at Room 107, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

D. Elaine Sauer

88 LEB 16 PM 4: 30

COUNTY BOARD OF APPEALS

ROYSTON, MUELLER, MCLEAN & REID SUITE 600 102 W. PENN. AVE. TOWSON, MARYLAND 21204-4878 3843d RAR/plm 01-13-89

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

PLEASANT HILL I - IV
LIMITED PARTNERSHIPS

CASE NO. 89-351-A

NES Reisterstown Road
121.5'+ NW Pleasant Hill Road

* 4th Election District

RE: Petition for Variance

UL OENA DUCES TECUM

Gentlemen:

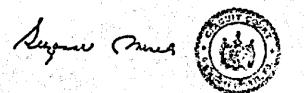
Please issue a Subpoena Duces Tecum and make same returnable to Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, at 2:00 p.m. on Friday, March 3, 1989, to:

Gary L. Kerns
Chief, Current Planning
Room 107 - County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

commanding him to appear at a hearing in the above-entitled matter and to bring with him CRG file #88-120 - Pleasant Hill Professional Center, Reisterstown Road and be prepared to testify with respect thereto.

Richard A. Reid
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575
(301)823-1800

Attorney for Pleasant Hill I - IV Limited Partnerships



3864d RAR/plm 03-02-89

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

PLEASANT HILL I - IV

CASE NO. 89-351-A

NES Reisterstown Road * 121.5'+ NW Pleasant Hill Road

* 4th Election District

* RE: Petition for Variance

SUBPOENA DUCES TECU

Gentlemen:

Please issue a Subpoena Duces Tecum and make same returnable to Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, at 2:00 p.m. on Friday, March 3, 1989, to:

J. Robert Haines, Zoning Commissioner Office of Planning and Zoning County Courts Building 401 Bosley Avenue Towson, Maryland 21204

commanding him to appear at a hearing in the above-entitled matter and to bring with him the special exception file #89-134-x - Pleasant Hill Professional Center, Reisterstown Road, including, but not limited to the comments of the Zoning Plans Advisory Committee and Mr. James H. Dyer's letter of October 3, 1988 to Petitioner, and be prepared to testify with respect thereto.

ROYSTON, MUELLER, MCLEAN & REID SUITE 600 102 W. PENH. AVE. TOWSON, MARYLAND 21204-4878 Please process in accordance with Zoning Commissioner's Rule IV(c)

Mr. Sheriff/Private Process Server

J. Robert Haines
Zoning Commissioner

Richard A. Reid

Suite 600 102. West Pennsylvania Avenue Towson, Maryland 21204-4575

(301)823-1800 (301)823-1800

Attorney for Pleasant Hill I - IV Limited Partnerships

SUITE SOO 102 W. FENN, AVE. 10WSON, MARYLAND 21204-4578 323-1600

ROYSTON, MUELLER, * McLean & Reid

